

EXHIBIT 47

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Message

From: Chris Palmer [palmer@google.com]
Sent: 11/6/2018 6:38:47 PM
To: Michael Paddon [mwp@google.com]
CC: Michael Kleber [kleber@google.com]; Mike West [mkwst@google.com]; [REDACTED]@google.com; chrome-privacy-core@google.com
Subject: Re: EFF: "Google Chrome's Users Take a Back Seat to Its Bottom Line"

We certainly do have our blind spots (hoooo boy). You're right that the culture is changing, and what was acceptable is less acceptable now; but I'm not sure EFF is necessarily the bellwether we should look to — I find e.g. Zeynep Tufekci's NYT articles a much more compelling and mainstream-understandable critique.

But whatever; what's more important is that we do something meaningful soon. I've bargled various ideas; we could also tighten the 3P cookie rules or block 3P cookies by default in Incognito. Maybe that's not a good idea for various reasons, but we could certainly ship it and things like it soon if we wanted to.

[REDACTED]

On Tue, Nov 6, 2018 at 4:13 AM Michael Paddon <mwp@google.com> wrote:

I don't think we can conclude "[REDACTED]" in general. It does in experiments where advertisers can defect to status quo. But we cannot conclude what the behaviour would be in the absence of 3p cookies from the entire ecosystem. Put another way, A/B testing is effective for gradient descent but not for finding global minima.

Just as it is easy for us to see EFF's blindspots, we should be aware that we also have enormous blindspots of our own. And so do our advertising partners.

What I see is that the world is changing. The EFF is a bellwether. What was acceptable behaviour in data gathering is becoming unacceptable. I think we need to get out ahead and own the change rather than defending old business models. If the market wants a truly incognito mode, let's give them the best one possible.

On Tue, Nov 6, 2018 at 6:36 AM, Michael Kleber <kleber@google.com> wrote:

Thanks, Chris, that does help.

Much as I love the "We should continue to reach out and offer to help inform them" point of view in general,

[REDACTED]. Even internally we hedge and point out that it's different for every site, which is true, but frankly I think this is so locked-down because we don't want to cause industry-wide panic.

Unfortunately, so long as we're unwilling to talk about this detail externally, I don't see a path to substantially changing the narrative.

--Michael

On Mon, Nov 5, 2018 at 2:16 PM Chris Palmer <palmer@google.com> wrote:

I have worked at EFF twice, first as Staff Technologist & Technology Manager, and again as Technology Director. So maybe I can provide some context. I left EFF and came to Google on the informed belief that I can successfully do more EFF-like work here than at EFF. After 7 years here, I am certain I was right. But, do take this with a grain of salt — I have A Viewpoint and it might not be 100% objective. :)

To answer Michael's question: It's ignorance, not malice. (Sure, they're feisty, but that is good!) Generally, EFF does not think hard about how people who create information goods make money. They have an old-timey Wired Magazine/1990s internet boom/techno-solutionist/"we're already post-scarcity!" ideology that requires them to believe that low marginal cost per copy means that information goods are 'free' to make. You'll see this in their positions on any information good, whether it's software, music, journalism, literature, et c. (They rely heavily on Cory Doctorow's hard-to-replicate experience of getting lucky, which notably involved running a popular ad-supported blog. Doot-de-doo...)

As for "credulous and naive", yes; part of their problem is epistemic closure. (Again, *not malice* — they are good people trying to do the right thing.) They tend to alienate people who could inform them, leaving only people who already agree. For example, they didn't ask me if they had the facts right before posting this post, despite knowing me and that I am on Chrome Security; similarly, AFAIK they have never had anyone who has ever been in the intelligence community on staff.

Their closure also reduces their potential reach, although they do have vocal support in parts of the security engineering community (and, weirdly, vocal opposition in other parts of the security community). We should continue to reach out and offer to help inform them. I don't necessarily expect huge returns from that; Google gave EFF an early view of Gmail and EFF still blasted them for its "creepiness", but I think it was good for everyone to at least have the conversation. It's better than random broadsides like this post.

Ultimately, the blame for people's misconceptions about Incognito Mode is due to that name and branding, as I have argued repeatedly. I believe the Incognito part of this blog post would basically not exist if we had called it (e.g.) Temporary Mode.

Could Incognito/Temporary work better, such as the site- or origin-specific local storage deletion? Sure, maybe that would work. As much as I want to ratchet down the brand and apparent 'guarantee', I am also in favor of ratcheting up the guarantee *where technically possible*. (I'll continue to push back on infeasible or impossible guarantees.)

On Mon, Nov 5, 2018 at 6:26 AM Michael Kleber <kleber@google.com> wrote:

I am really surprised by their never touching on how publishers get money. They (wrongly) claim that "The marginal benefit of each additional bit of information about your activities online is relatively small to an advertiser, especially given how much you directly give Google through your searches". But there is no corresponding thinking about the marginal benefit of the cookie is *huge for publishers*, because without it we have no way to bring *any* of that information to bear on display ad monetization.

Any opinion on whether that omission is ignorance or malice?

Their take on "incognito mode" is very interesting. The idea that it "does nothing to protect you from being tracked by Google" is a rational complaint if you sign into Google in incognito mode (which seems like an oxymoron to me), or if you use the same incognito session for a long time.

"A sustainable Web needs to be built on consent, not subterfuge" surprises me, in that I would have expected them to be as skeptical of consent as we are. Maybe political considerations mean you can't say that publicly (yet)?

--Michael

On Mon, Nov 5, 2018 at 3:27 AM Mike West <mkwst@google.com> wrote:

Ouch. <https://www.eff.org/deeplinks/2018/11/google-chromes-users-take-back-scat-its-bottom-line>

A few things to call out:

"The closest thing it offers to 'private' browsing out-of-the-box is 'incognito mode', which only hides what you do from others who use your machine. That might hide embarrassing searches from your family, but does nothing to protect you from being tracked by Google." which is an interesting form of the "Incognito should do more" argument.

"Facebook recently announced its intention to move away from using third-party cookies to power Pixel, its third-party analytics product." is a fairly naive and credulous take on Facebook's moves in this space.

"Google could take the lead on solving this problem. Trackers are not necessary to make the Web work, and they shouldn't be necessary for Google to make lots (and lots) of money. As we noted above, Google has mountains of direct information about what you want to buy through its various services, from search to Maps to Google Play. Ads don't need to be targeted using every little bit of information about us that Google has access to via our use of its browser. A sustainable Web needs to be built on consent, not subterfuge." Apparently first-party tracking is fine.

"Google has come under fire in the past for using its power in one arena, like browsing or search, to drive revenue to other parts of its business." I heard a similar kind of argument from one of our friends at Samsung at dinner during TPAC a week or two ago.

-mike

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SUBJECT: Re: EFF: "Google Chrome's Users Take a Back Seat to Its Bottom Line"